

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA**

JEREMY WRIGLEY,

Petitioner,

v.

**Civil No. 1:07cv129
(Judge Keeley)**

WARDEN PHILLIPS,

Respondent.

**ORDER GRANTING IN FORMA PAUPERIS BUT REQUIRING
PETITIONER TO PAY THE \$5.00 FILING FEE**

On September 21, 2007, the *pro se* petitioner initiated this case by filing a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241. On that same date, the Clerk's office sent out a deficiency notice requiring the petitioner to either pay the \$5.00 filing fee or submit an application to proceed without prepayment of fees and a prisoner trust account report. On October 2, 2007, the petitioner filed his application and prisoner trust account with ledger sheets.

All litigants are required to pay the costs and fees associated with civil lawsuits unless their financial condition warrants a grant of *in forma pauperis* status pursuant to 28 U.S.C. § 1915. On September 19, 2007, the petitioner had \$46.90 in his prisoner trust account, the average monthly deposits for the prior six months was \$95.93, and the average monthly balance for the prior six months was also \$95.93.

Accordingly, the petitioner is GRANTED *in forma pauperis* status. However, because petitioner had sufficient funds in his prisoner trust account to pay the required filing fee, petitioner will be required to pay the \$5.00 filing fee within **thirty (30) days** from the date of this Order.

Failure to pay the \$5.00 fee within the required time period will result in a recommendation that his case be dismissed.

IT IS SO ORDERED.

The Clerk is directed to send a copy of this Order to the *pro se* petitioner by certified mail, return receipt requested, to his last know address as reflected on the docket sheet.

Dated: October 3, 2007

/s/ James E. Seibert
JAMES E. SEIBERT
UNITED STATES MAGISTRATE JUDGE